IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 73 OF 2007

MR. ALISON SIMPLICIO D'SOUZA ... Appellant
Versus
MS. MRUNALINI D'SOUZA TAVORA ... Respondent

Mr. S. D. Lotlikar,Sr. Advocate with Mr. Ryan Menezes,Advocate for the appellant.
Mr. Sudin Usgaonkar with Ms.G. Kale, Advocates for the Respondent.

Coram:- R. S. MOHITE, J.

Date:- 27th September, 2007

P.C.

This appeal impugns the order dated 6.8.2007 passed by the Civil Judge, S.D., Mhapusa allowing the application for temporary custody of the child filed by the mother of the child. The application for temporary custody has been filed in petition for divorce filed by the respondent wife. The child in question is of 2 years and 10 day's of age and is a girl child. The respondent mother is working as teacher in High School by name Saint John of the Cross. She is therefore, economically independent. Though it is sought to be contended that she is not of sound state of mind. I find no medical evidence produced to corroborate this fact.

In reply to the application it is mentioned that she is likely to harm the child, that she has caused harm to the child. No instance is mentioned in the said reply. The record indicates that when the mother goes to school, her parents are available to look after the child. Taking into account, the age of the child, I am not inclined to interfere with the order. Hence, appeal is rejected.

It is clarified that the impugned order is interim order and will be

subject to the final decision which will be taken as per the evidence led in the main petition. A. O. disposed off.

R. S. MOHITE, J.

SMA